

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Drake A. Edwards,

Plaintiff,

v.

**Case No. 3:15-cv-443
Judge Thomas M. Rose**

Willis Blackshear, et al.,

Defendants.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (DOC. 3), OVERRULING PETITIONER'S OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 4),
DISMISSING COMPLAINT, (DOC. 2), AND TERMINATING CASE.**

Pending before the Court are Plaintiff Drake A. Edwards's Objections to the Magistrate's Report and Recommendations. (Doc. 4). The Report and Recommendations of United States Magistrate Judge Michael J. Newman, (Doc. 3), recommends that the Court dismiss the Complaint (Doc. 2) with prejudice and certify that any appeal that could be taken would not be in good faith.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (Doc. 4), to the Magistrate Judge's Report and Recommendations, (Doc. 3), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Petition (Doc. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with the Magistrate Judge's recommendation, Petitioner is denied a certificate of appealability and the

Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Tuesday, January 19, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE